

**REMARKS**

This Application has been reviewed in light of the Office Action mailed November 19, 2004. All pending claims 1-34 were rejected in the Office Action. Claims 1 and 26 have been amended to further clarify the claimed subject matter. Applicant respectfully requests reconsideration and allowance of all pending Claims 1-34.

**Information Disclosure Statement**

An Information Disclosure Statement (IDS) and accompanying PTO-1449 form was individually submitted to the Patent office on October 20, 2004. The Examiner has not provided an indication that the references submitted in the IDS was considered by the Examiner. For the Examiner's convenience, Applicant has enclosed a copy of the previously submitted IDS and PTO-1449 form. Additionally, Applicant has included a copy of the date-stamped postcard indicating the submission of the IDS. Applicant respectfully requests that the Examiner consider the cited references, if not already considered, and provide the appropriate indication that they have been considered by initialing next to the references on the PTO-1449 forms.

**First Section 103 Rejection**

Claims 1, 8, 9, 10, 17, 18, 25, 26, 29, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,570,871 issued to Schneider ("*Schneider*") in view of U.S. Patent No. 6,272,134 issued to Bass et al. ("*Bass*"). Applicant respectfully disagrees.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because, even assuming for the sake of argument that the references did suggest or motivate a combination of the references to a person of ordinary skill in the art at the time of the invention, *Schneider* and *Bass* whether considered singly, in combination with one

another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

Claim 1, as amended, recites the following:

A communications system, comprising:  
a mobile unit operable to transmit redundant content to a plurality of base transceiver stations, a copy of the content transmitted to each base transceiver station being encoded using a code that is related to the codes used to encode copies of the content transmitted to the other base transceiver stations;  
a plurality of base transceiver stations, each base transceiver station operable to:  
    receive a copy of the coded content from the mobile unit;  
    generate a packet including the coded content; and  
    communicate the packet; and  
a decoder operable to:  
    receive a plurality of packets each including a copy of the coded content, each packet generated at a different base transceiver station;  
    decode the content in the packets by concatenating the related codes used to encode each copy of the content; and  
    generate one or more redundant packets including the decoded content.

Independent Claims 10, 18, 26, 29, and 32 recite similar, although not identical, limitations.

Claim 1 (as well as Claims 10, 18, 26, 29, and 32) are allowable because neither *Schneider* nor *Bass* disclose, teach, or suggest each and every one of these limitations. For example, neither reference discloses “a copy of the content transmitted to each base transceiver station being encoded using a code that is related to the codes used to encode copies of the content transmitted to the other base transceiver stations.” Although *Schneider* discloses that the mobile station uses a speech coder, as pointed out by the Examiner, there is no disclosure that multiple copies of the same content are coded using related codes. Furthermore, the Office Action does not address this limitation.

In addition, neither *Schneider* nor *Bass* disclose, teach, or suggest “a plurality of base transceiver stations, each base transceiver station operable to: receive a copy of the coded

content from the mobile unit [and] generate a packet including the coded content.” The Examiner asserts that this limitation is disclosed in *Schneider* at Column 7, lines 25-51. However, this passage discloses that a “gateway interface 74,” *not* the base transceiver stations (BTSs 66) packetize content received from a mobile station. In *Schneider*, the content from a mobile station is forwarded from the BTSs to a base station controller, then to a mobile switching center, and then to a gateway interface before it is packetized. *See Column 7, lines 13-24 and 45-51.* There is no disclosure that the BTS performs any packetizing, as required by the claims.

Furthermore, neither *Schneider* nor *Bass* disclose, teach, or suggest “a decoder operable to: receive a plurality of packets each including a copy of the coded content, each packet generated at a different base transceiver station; [and] decode the content in the packets by concatenating the related codes used to encode each copy of the content.” For an alleged teaching of this limitation, the Examiner refers to Column 9, line 56 through Column 10, line 9 of *Schneider*. However, this passage of *Schneider* refers to a channel coder 118 of a mobile station. This is not a disclosure of a decoder that receives *a plurality of packets generated by a plurality of BTSs* and that decodes the content. Furthermore, there is certainly no disclosure or any device, wherever located, that decodes the content in packets by *concatenating related codes* used to encode the copy of the content that is included in each packet. Moreover, the Office Action does not address this limitation.

For at least these reasons, Applicant respectfully submits that Claims 1, 10, 18, 26, 29, and 32, as well as the claims that depend from these independent claims, are in condition for allowance. Therefore, reconsideration and favorable action are requested.

### **Second Section 103 Rejection**

Claims 2, 3, 11, 12, 19, 20, 27, 28, 30, 31, 33, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider* in view of *Bass* and in further view of U.S. Patent No. 6,785,254 issued to Korus et al. (“*Korus*”). Applicant respectfully disagrees.

As the Examiner points out, *Schneider* (or *Bass*) does not disclose the limitations of Claims 2, 11, 19, 27, 30, and 33. For example, Claim 2 requires “a router operable to:

receive a plurality of redundant packets from the decoder; and select one of the redundant packets using a packet selection technique.” The Examiner asserts that these limitations are disclosed in *Korus* – citing the Abstract, Column 3, lines 18-36, and Column 12, line 61 through Column 13, line 9 of that reference. However, none of these passages, nor any other portion of *Korus*, disclose receiving a plurality of redundant packets at a router and selecting one of these packets using a packet selection technique. Instead, this reference discloses selecting a network routing device from among a number of network routing devices. This is not the same as selecting one packet from a number of packets at a single network routing device (i.e., a router). Furthermore, there is no disclosure in *Korus* that multiple redundant packets are received at a single network routing device. Therefore, for at least these reasons (in addition to depending from an allowable independent claim), Applicant respectfully requests reconsideration and allowance of Claims 2, 11, 19, 27, 30, and 33.

Claims 3, 12, 20, 28, 31, and 34 add even further limitations to Claims 2, 11, 19, 27, 30, and 33, respectively. For example, Claim 20 requires “selecting a redundant packet based on a value of a metric included in each packet, the value of the metric in each packet associated with communications between the mobile unit and the base transceiver station that received the copy of the content included in the packet from the mobile station.” The Office Action fails to address this limitation and recites no reference that discloses the use of such a metric to select a redundant packet. Such a limitation is certainly not disclosed in *Korus*.

Therefore, for at least these reasons (in addition to depending from an allowable independent claim and from Claims 2, 11, 19, 27, 30, and 33), Applicant respectfully requests reconsideration and allowance of Claims 3, 12, 20, 28, 31, and 34.

### **Third Section 103 Rejection**

Claims 4, 5, 13, 14, 21, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider* in view of *Bass* and in further view of U.S. Patent No. 6,549,542 issued to Dong et al. (“*Dong*”). Claims 4, 5, 13, 14, 21, and 22 each depend from one of the independent claims discussed above. At least because they depend from an allowable dependent claim, Applicant respectfully requests reconsideration and allowance of Claims 4, 5, 13, 14, 21, and 22.

**CONCLUSION**

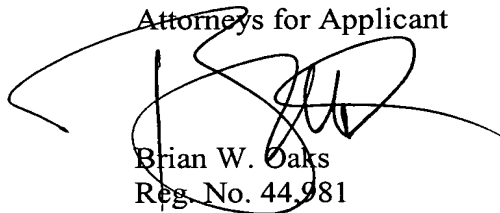
Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant



Brian W. Oaks  
Reg. No. 44,981

Date: February 18, 2005

Correspondence Address:

**Customer Number**

**05073**